IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2464 of 2005

Neeta J. Mehta and Ors. ..Applicants

V/s

State of Maharashtra and Anr..Respondents

WITH

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Mr.A.S.Khandeparkar i/b M/s Khandeparkar and Associates for Applicants

Mr.M.S.Mhambre A.P.P. for State

CORAM:SMT.V.K.TAHILRMANI,J.

DATED:3rd August 2005

P.C.:-

1. Heard the learned advocate for the Applicant, and the learned A.P.P. for the State.

2. The Applicants have prayed for quashing of complaint i.e. Complaint No.10/SS/05 (2464/05), Complaint No.11/SS/05 (2465/05) and Complaint NO.13/SS/2005 (2466/05). All these cases are pending before the Court of learned Additional Chief Metropolitan Magistrate, 21st Court, Bandra, Bombay. In all the said cases process has been issued against the applicants under Section 138 of the Negotiable Instruments Act.

3. The learned Advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicant is set aside, the complaint and proceedings relating thereto in respect of the applicants would come to an end.

4. However, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application NO.550 of 2005, in my opinion the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions

court against the order of the Magistrate issuing process.

5. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned Advocate for the Applicant states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today.

6. On the necessary revision being preferred by the Applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Office to issue an authenticated copy of this order to the parties.

8. Applications are disposed of.

(SMT.V.K.TAHAILRAMANI,J.)